

Express Mail No.: EV 918278430 US

PATENT
Attorney Docket No.: 23937-78

IN THE DRAWINGS:

Applicant respectfully requests approval of the following drawing changes. Figures 3D and 3E are added to further identify the components of the sleeping structure in accordance with the specification. No new matter has been added.

REMARKS

The final Office Action mailed November 17, 2006 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 19-38 are now pending in this application. Claims 28-32 were withdrawn by the Examiner from consideration. Claims 19-27 and 33-38 stand rejected.

The finality of the rejection contained in the Office Action mailed November 17, 2006 is respectfully traversed as being premature. The claims of a new application may be finally rejected in the first Office Action in those situations where (A) the new application is a continuing application of, or a substitute for, an earlier application, and (B) all claims of the new application (1) are drawn to the same invention claimed in the earlier application, and (2) would have been properly finally rejected on the grounds and art of record in the next Office Action if they had been entered in the earlier application. MPEP 706.07(b).

Applicant respectfully submits that all claims of the new application are not drawn to the same invention claimed in the earlier application. Thus, Applicant requests reconsideration of the finality of the outstanding rejection as premature and withdrawal of the finality of the rejection.

The rejection to Claims 19-27 and 33-38 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention is respectfully traversed. The Examiner alleges that the figures do not clearly illustrate the invention. Further, the Examiner has required cross-sectional views of Figures 3A and 3B, and further views of the enclosure bag and sleeping bag, as desired.

In response to the Examiner's requirement, in lieu of cross-sectional views of Figures 3A and 3B, Applicant files herewith new Figures 3D and 3E.

Express Mail No.: EV 918278430 US

PATENT
Attorney Docket No.: 23937-78

Applicant respectfully submits that new Figures 3D and 3E, in addition to Figures 3A-3C, clearly illustrate the claimed invention and notice to that effect is solicited.

For at least the reasons set forth above, Applicant requests that the rejection of Claims 19-27 and 33-38 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

Eric T. Krischke
Eric T. Krischke
Registration No. 42,769
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070